



Broadcasting Decision CRTC 2021-336

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Reference: Part 1 application posted on 3 May 2021

Ottawa, 4 October 2021

Carlsbad Springs Community Association

Carlsbad Springs and Sarsfield, Ontario

Public record for this application: 2021-0262-2

CJRO-FM Carlsbad Springs – New transmitter in Sarsfield

The Commission **approves** an application to amend the broadcasting licence for the low-power English- and French-language community radio station CJRO-FM Carlsbad Springs to operate a new low-power transmitter in Sarsfield to rebroadcast the programming of CJRO-FM.

Application

1. Carlsbad Springs Community Association (CSCA) filed an application to amend the broadcasting licence for the low-power English- and French-language community radio station CJRO-FM Carlsbad Springs, Ontario, to operate a new low-power transmitter in Sarsfield, Ontario. The new transmitter would operate at 107.9 MHz (channel 300LP) with an effective radiated power of 2 watts (non-directional antenna with an effective height of the antenna above average terrain of 26 metres).
2. The licensee stated that the proposed amendment would allow it to provide a community radio service to Sarsfield, a bilingual community located near Carlsbad Springs, which is the market that the station is licensed to serve. It indicated that Sarsfield is not big enough to support its own community radio station, but given that Sarsfield and Carlsbad Springs have similar demographics, common rural interests and economy, the addition of Sarsfield to its community radio service would be a natural fit. CSCA added that there has been significant interest from the community's businesses since the station's launch in January 2020 and that the Sarsfield Community Association inquired about the possibility of expanding the service to Sarsfield. Finally, the licensee indicated that should its application be approved, it will add one Sarsfield community representative to the radio committee board.
3. The licensee did not cite an economic or technical need for this application.
4. The Commission received several interventions in support of this application from individuals and businesses in Sarsfield as well as from the National Campus and Community Radio Association.

Background

5. In Broadcasting Decision 2019-133, the Commission approved an application by CSCA for a low-power, English- and French-language community radio station in Carlsbad Springs, with a rebroadcasting transmitter in Vars to replace its existing exempt tourist radio station.
6. In Broadcasting Decision 2020-369, the Commission approved an application by CSCA for the addition of a low-power transmitter in Embrun to rebroadcast the programming of CJRO-FM.

Regulatory framework

7. The Commission has the authority, pursuant to subsection 9(1) of the *Broadcasting Act* (the Act), to issue licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the Act, and to amend any conditions on application of the licensee.
8. When the licensee of a radio station files an application for a technical amendment, the Commission generally requires that the licensee present compelling technical or economic evidence justifying the requested technical changes. The Commission may, as an exception to this general approach, approve applications that do not provide compelling technical or economic evidence where the particular circumstances of the licensee warrant and has deviated from this approach in the past to approve applications that primarily reflect a desire to serve additional communities when it is in the public interest to do so.

Issues

9. After examining the public record for this application in light of the applicable regulations and policies, the Commission considers that it must address the following issues:
 - whether implementation of the requested technical changes would have an undue economic impact on incumbent radio stations;
 - whether the requested technical changes represent an appropriate technical solution to provide coverage to Sarsfield and an appropriate use of spectrum;
 - whether the approval of this application would undermine the Commission's licensing process; and
 - whether the addition of the proposed transmitter would provide for membership, management, operation and programming primarily by members of the community served.

Economic impact on incumbent stations

10. Sarsfield is located within the Ottawa–Gatineau Central Numeris Area, in the rural area outside and east of the city of Ottawa. It is reached by several commercial and Canadian Broadcasting Corporation stations. However, there are currently no stations specifically licensed to serve Sarsfield.
11. The proposed new transmitter could cause interference with CFTX-FM Gatineau’s rebroadcasting transmitter in Buckingham. To ensure that the proposed transmitter will not negatively impact CFTX-FM, CSCA and RNC MEDIA Inc., the licensee of CFTX-FM, have entered into an agreement by which CSCA agrees to remain a non-profit organization for at least five years.
12. The licensee stated that the proposed amendment will not impact its existing financial projections. The Commission notes that the station’s market share represents a very small portion of the Ottawa–Gatineau market and that it did not receive any interventions relating to possible undue impact.
13. In light of the above, the Commission finds that implementation of the requested technical changes would not have an undue economic impact on incumbent stations.

Technical solution to provide coverage to Sarsfield and appropriate use of spectrum

14. In its application, CSCA indicated that it wishes to extend service to Sarsfield, which is located outside its existing transmitters’ primary and secondary contours. It stated that the purpose of this amendment is not to correct technical deficiencies but rather to provide service to a nearby community.
15. The Commission considers that the addition of a rebroadcasting transmitter is generally an effective solution to improve coverage. Accordingly, it should provide sufficient service to Sarsfield.
16. The applicant proposed to operate the transmitter at 107.9 MHz (channel 300LP). Other frequencies that would support similar or greater parameters than those proposed are available in Sarsfield. The major market of Ottawa–Gatineau would not be affected by the proposed transmitter.
17. In light of the above, the Commission finds that the proposed rebroadcasting transmitter is an effective solution to provide coverage to Sarsfield and that it represents an appropriate use of spectrum.

Integrity of the Commission’s licensing process

18. As indicated above, CSCA did not identify an economic or technical need for this application. However, in the past, the Commission has, as an exception to this general approach, approved applications that do not provide compelling technical or economic evidence where the particular circumstances of the licensee warrant, including those where the application seeks to serve additional communities, when it is in the public interest to do so.

19. The Commission notes that Sarsfield was not part of CSCA's initial application but that the communities are close in proximity and share common interests. The Commission also notes that the community of Sarsfield does not have a dedicated radio service and that it is unlikely that the small community could support one. Therefore, the addition of the proposed transmitter would allow for bilingual local news and community events to be made available to the community in an efficient manner. The Commission considers that this additional radio service in Sarsfield would be in the public interest since it would offer locally oriented community programming between communities of similar interests that is not provided by other radio stations in the area.
20. The Commission further notes that the proposed service would not overlap with other community stations serving the Ottawa–Gatineau Central Numeris Area.
21. Finally, there were no opposing interventions expressing concerns about the impact of the proposed transmitter on the market.
22. In light of the above, the Commission finds that approval of this application would not undermine the integrity of the Commission's original licensing process and that the approval of this application on an exceptional basis would be in the public interest for the community of Sarsfield, which would receive dedicated bilingual programming not otherwise available.

Would the addition of the proposed transmitter provide for membership, management, operation and programming primarily by members of the community served?

23. As stipulated in a broadcasting undertaking's licence, the undertaking shall be operated by the licensee itself, and the licence cannot be transferred or assigned. The Commission considers that the appropriate test for assessing control in fact is set out in Decision No. 297-A-1993 of the Canadian Transportation Agency:

There is no one standard definition of control in fact but generally, it can be viewed as the ongoing power or ability, whether exercised or not, to determine or decide the strategic decision-making activities of an enterprise. It can also be viewed as the ability to manage and run the day-to-day operations of an enterprise.

24. Effective control of CSCA is exercised by its board of directors. According to Commission records, all board members and the chief executive officer of CSCA are Canadians residing in Canada. Therefore, CSCA is eligible to hold a broadcasting licence pursuant to the *Direction to the CRTC (Ineligibility of Non-Canadians)*.
25. In accordance with Broadcasting Regulatory Policy 2010-499, a community radio station is owned, operated, managed and controlled by a not-for-profit organization that provides for membership, management, operation and programming primarily by members of the community served. In response to a Commission letter, CSCA confirmed that all staff and volunteers will come from the community served by the station.

26. As indicated in Broadcasting Decision 2020-369, CSCA is directed to update the list of programming committee members and to provide an updated list of the board of directors by no later than **17 December 2021** to reflect the community it serves, which would now also include the community of Sarsfield.
27. After reviewing the applicant's proposal, including the proposal to add a community member from Sarsfield to the board of directors, the Commission is satisfied that members of the Sarsfield community will be represented and involved in the operations, management and control of CJRO-FM.

Conclusion

28. In light of all of the above, the Commission **approves** the application by Carlsbad Springs Community Association to amend the broadcasting licence for the English- and French-language community radio programming undertaking CJRO-FM Carlsbad Springs, Ontario, to add a low-power FM rebroadcasting transmitter in Sarsfield.
29. The Commission **directs** the licensee to submit complete executed bylaws with the proposed amendments, an updated list of programming committee members, and an updated list of the members of the board of directors within 30 days of its next annual general meeting and no later than **17 December 2021**.

Reminders

30. Pursuant to section 22(1) of the Act, this authority will be effective only when the Department of Industry (the Department) notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.
31. The Department's *BPR-3: Application Procedures and Rules for FM Broadcasting Undertakings* specifies that a low-power FM rebroadcasting transmitter is considered a secondary assignment operating on an unprotected channel. Should an FM station or transmitter with protected status be granted a frequency that is incompatible with that used by the low-power transmitter considered in this decision, the licensee may need to cease the operation of that low-power transmitter or file an application to change its frequency and/or technical parameters.
32. The transmitter must be in operation by no later than **4 October 2023**. To request an extension, the licensee must submit a written request to the Commission at least 60 days before that date, using the form available on the Commission's website.
33. As set out in section 16 of the *Radio Regulations, 1986* (the Regulations), licensees have obligations relating to the broadcast of emergency alert messages received from the National Alert Aggregation and Dissemination System. In regard to the changes to CJRO-FM-3's authorized contours approved in this decision, the Commission reminds the licensee that continued compliance with section 16 of the Regulations may require that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages on CJRO-FM, or on any rebroadcasting transmitters that may

appear on the broadcasting licence for that station, be reprogrammed to properly account for the new authorized contours.

Secretary General

This decision is to be appended to the licence.

Related documents

- *CJRO-FM Carlsbad Springs – New transmitter in Embrun*, Broadcasting Decision CRTC 2020-369, 9 November 2020
- *Community station in Carlsbad Springs*, Broadcasting Decision CRTC 2019-133, 7 May 2019
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010